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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,170

04/13/2004

Sanjeev M. Naik

GP-303743

3732

7590

01/24/2007

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EXAMINER

BEAULIEU, YONEL

ART UNIT

PAPER NUMBER

3661

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/823,170	NAIK ET AL.	
	Examiner	Art Unit	
	Yonel Beaulieu	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-22 is/are allowed.
- 6) ☒ Claim(s) 1-18,23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claims 19 and 23 objected to because of the following informalities: at lines 2, respectively, it is suggested to insert - **-the method comprising-** - after “input”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1 – 18 and 23 – 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 – 4, 8 - 18 and 23 are replete of the “capable of” phrase. However, it has been held that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a positive limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Claims 5 – 7 and 24 – 26 are necessarily rejected based upon their respective dependency.

Allowable Subject Matter

Claims 1 – 4, 8 - 18 and 23 (along with their dependent claims) would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 19 – 22 are allowed. The prior art of record fail to teach a method of determining an input command for a control system from a sensed input, the method comprising, among other limitations, comparing the absolute value of each of a first signal differential, a second signal differential and a third signal differential to a predetermined differential threshold *if* the absolute value of each of the first signal differential, the second signal differential and the third signal differential is less than or equal to the predetermined differential threshold, [*then*] using the processed sensor signal in each of the first controller, second controller and third controller for control based on the sensed input; *if* the absolute value of one of the first signal differential, second signal differential and third signal differential is greater than the predetermined differential threshold, [*then*] determining a resolved sensor signal for use in each of the first controller, second controller and third controller for control based on the sensed input – the first signal differential, the second signal differential, and the third signal differential are obtained from first unprocessed sensor signal, second unprocessed signal, and third unprocessed sensor signal, respectively; providing a fault indication for the respective unprocessed sensor signal associated with the related signal differential; and comparing the fault indication of the unprocessed sensor signal with the status indication of the sensor status signal of that unprocessed sensor signal; if the fault indication of the unprocessed sensor signal and the status indication of the sensor status signal of that unprocessed sensor signal both indicate a fault, using the processed sensor signal in each of the first controller, second controller and third controller for control based on the sensed input if the fault indication of the unprocessed

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sensor signal with the status indication of the sensor status signal of that unprocessed sensor signal do not both indicate a fault, determining a resolved sensor signal for use in each of the first controller, second controller and third controller for control based on the sensed input.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As per attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yoner Beaulieu
Primary Examiner
Art Unit 3661